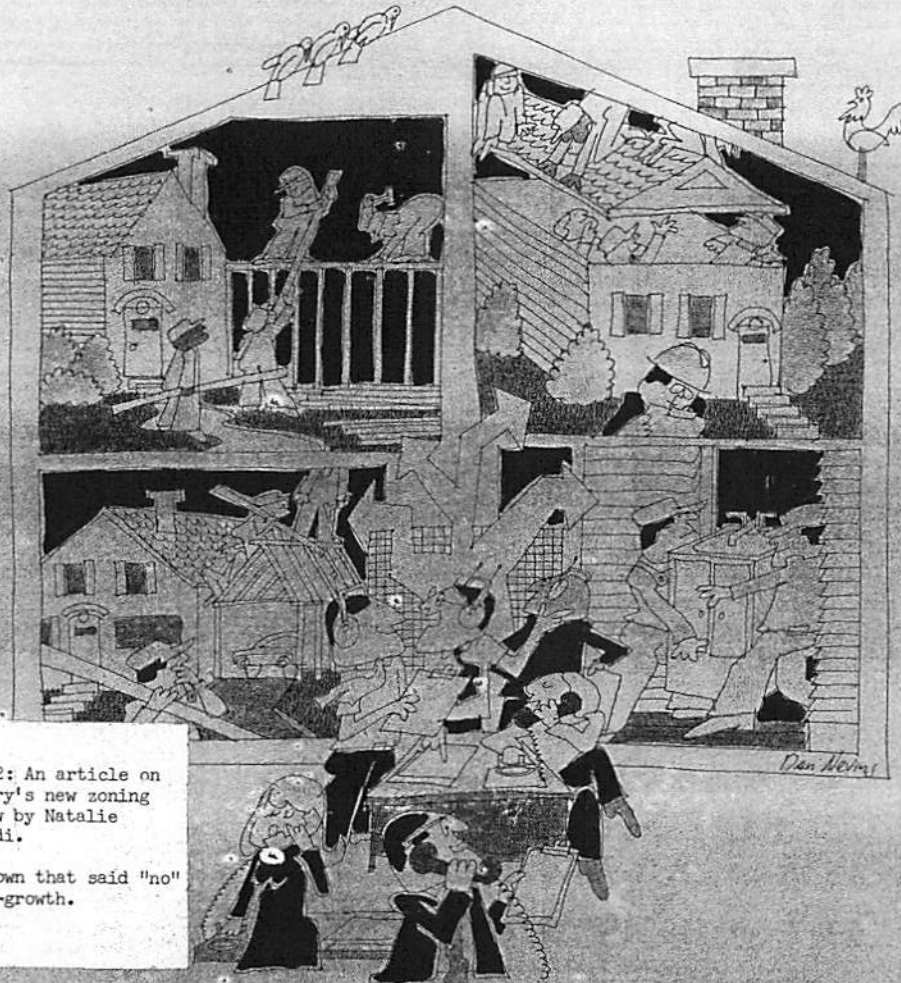


16
December 1973

House&Home



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Duxbury's new zoning
by-law by Natalie
Gerardi.

The town that said "no"
to no-growth.

SUBURBAN REMODELING:

Total control is the name of the game

THE MORTGAGE MAVERICKS WHO SAY 'NO' TO DISCOUNTS

Duxbury Free Library

THE TOWN THAT SAID 'NO' TO NO-GROWTH

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Cover/Illustrated by Dan Nevins

Editorial

First test for impact zoning —or the thinking town's alternative to no-growth

Seventeen months ago HOUSE & HOME, in a report on the land-use crisis, introduced the concept of impact zoning to the housing industry.

Here, we said, was a workable way to avoid those destructive collisions between developers on the one hand and communities and environmentalists on the other. Simply put, impact zoning replaces arbitrary density restrictions with a process for measuring a proposed project's effects on a community. It answers questions like these: Are the developer's marketing goals in tune with the town's reasonable growth? Can the project's need for essential services be met by the town? Will the project generate enough tax revenue to pay for those services? And will the project work with, not against, its environment?

Seventeen months ago, however, impact zoning was still an untried idea: No town had put it to a public vote. Now the public has had its say—in Duxbury, Mass., a Boston commuter town beset by the sort of growth problems afflicting hundreds of other communities.

H&H Associate Editor Natalie Gerardi tells why and how Duxbury adopted a new bylaw based on impact zoning in this issue (*see next page*). Her story—"The town that said 'no' to no-growth"—is heartening for a number of reasons:

Partly because it shows that citizens of all stripes can face reality and then compromise their differences for the common good. Even the people who worked the hardest to develop the new bylaw and to get it passed would have preferred no-growth, reports Ms. Gerardi. But they knew growth was inevitable and the best they could do was to direct it on Duxbury's terms.

Partly because, in a time of cynicism and disillusionment with the democratic process, it

shows that grass-roots democracy still works: The bylaw was finally passed after 11 hours of debate at a typical New England town meeting.

And partly because it offers developers, hard-pressed by building moratoriums, at least a grain of hope.

For impact-zoning purists—and there are already some among professional planners—the Duxbury bylaw leaves quite a bit to be desired. It limits the number of bedrooms per unit in multi-family projects. It is too specific about the housing mix in planned unit developments. It is not specific enough about Duxbury's fair share of Boston-area housing. And it imposes impact zoning on top of the town's existing zoning—an awkward arrangement that lets developers use the land in the same old way if they don't feel like negotiating with the town.

None of those shortcomings stem from loose thinking by the planners. All of them are concessions to public sentiment—results of the very compromise that got the bylaw passed in the first place. Furthermore, they are not locked into the bylaw because, as the town planner notes, impact zoning is a changing process rather than a rigid set of rules. What Duxbury has now—and what other towns need—is a flexible framework of performance standards subject to negotiation as new problems arise.

"It's a tremendous plus to have some guidelines to work with," says the land planner for one Duxbury developer. "A lot of our homework has been done for us." Says another: "Everyone will be tracking through in the same way and will know exactly where he is and what he has to do."

It is tempting to suggest that Duxbury's impact-zoning bylaw is a model for other towns. That, it isn't. But the process of developing and adopting it is.

—JOHN F. GOLDSMITH

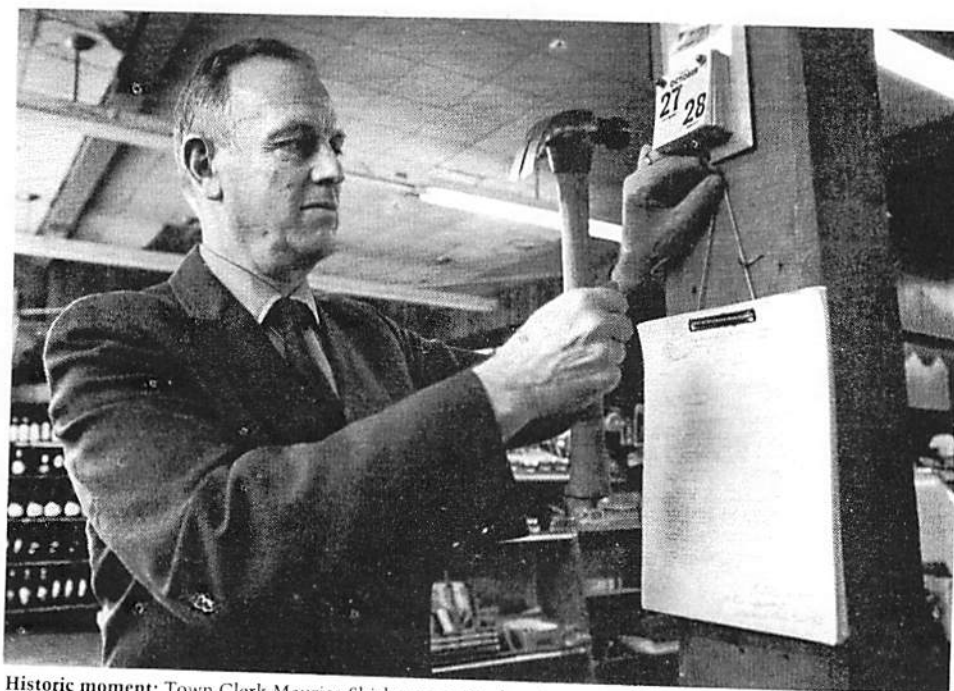


PHOTO: STEVEN HANSEN

Historic moment: Town Clerk Maurice Shirley posts Duxbury's new zoning bylaw in Osborn's General Store.

the town that said **no** to no-growth

When the opening of a new expressway drew historic Duxbury, Mass., into Boston's commuting orbit, the 345-year-old town was suddenly confronted with two typical suburban problems: growing tax rates and shrinking open space.

But Duxbury, which already had one-acre zoning, rejected the usual no-growth panaceas and decided instead to take a closer look at its land and its goals. The upshot was a new zoning bylaw—the first in the nation to be based on impact zoning [H&H, Aug. '72]—in which the town set up the machinery to sit down and negotiate with developers.

Far from no-growth, Duxbury's new bylaw actually encourages higher densities—provided that the developer sets aside open space and provided he can prove that the taxes from his project will offset its cost to the town in schools and services. Here's how it came about . . .

It all began in March 1971, when two-acre zoning failed to obtain the necessary vote at the town meeting.

Some concerned citizens got together to discuss ways to tackle the town's problems, most of which stemmed from one simple fact: Duxbury was just too attractive.

This Pilgrim town 31 miles south of Boston on the Massachusetts coast had long been a popular summer resort, but otherwise it had remained relatively undiscovered. The people who lived there liked it that way.

Their houses, many dating back to the 17th century, were screened from the roads by tall maples and pines. Some enjoyed sweeping vistas of Duxbury Bay or of salt marshes or cranberry bogs. Few were in sight of their neighbors.

A providential sand spit provided Duxbury residents with nearly seven miles of beach. Their children's schools were clustered on a 120-acre campus that would put many colleges to shame.

As recently as 1960 fewer than 5,000 people lived on Duxbury's 15,000 acres. Today's population estimates range from 9,100 (the figure used by the planning board) to 12,000, yet parts are still so secluded that quail calmly parade along the blacktop.

The concerned citizens who met after that 1971 town meeting knew that their rural way of life was in danger unless they did something to control Duxbury's growth.

Seven years earlier Route 3, a fast new expressway, had pushed south and it was threatening to turn Duxbury into a suburb of Boston. New families were pouring in and new houses were springing up to accommodate them: Seventy-three building permits were issued in 1967, 143 in 1968, and 250 in 1972. Pretty soon one out of every three residents of Duxbury was a school-age child and the tax rate was soaring.

"As we sat around talking," attorney Donald Connors recalls, "we realized that large-lot zoning is merely one tool in a community's possible range of tools and that what we really ought to do was to take a good look at Duxbury, see how it has grown, inventory its resources and then try to articulate some goal as to where we might want Duxbury to go. Then we might find the combination of tools that could help us reach those goals."

That was the beginning of the land-use committee.

"The land-use study went through the hands and minds of many different types of people . . . That's what made it what it is"

**—Edmund Dondero,
planning board member**

A good cross-section of Duxbury was represented on the land-use committee: a selectman, members of all the town committees (including the finance, capital budget, school building, recreation, water committees and the planning board) plus representatives from the major community groups such as the League of Women Voters, the Rural and Historical Society, the Conservation Com-

mission and the Friends of Conservation. The committee chairman was Francis Park, a member of the planning board and former director of research and planning for the attorney general of Rhode Island, whose involvement with Duxbury had led him to return to school for a degree in planning from MIT.

As most members of the land-use committee had constituencies to report to, a sizable segment of the community—and virtually its entire leadership—was kept informed of the group's activities.

The first priority was to get some professional advice, so the committee spent ten months interviewing 25 town planners. It decided that the Philadelphia firm of Rahenkamp Sachs Wells & Associates had the best approach for Duxbury. So one year after two-acre zoning was defeated, a different approach to zoning came before the town meeting. This time the town was asked to appropriate \$85,000 for the Rahenkamp firm to prepare a series of inventories and evaluations, a master land-use plan, a zoning map and a model for a comprehensive ordinance.

Needless to say there was plenty of debate over spending such a large sum at a time when everyone was feeling the pinch of rising property taxes. Francis Barton, a journalist, had prepared a booklet, entitled "Duxbury and the Negotiated Landscape," explaining the Rahenkamp proposal. In it he reminded the skeptics:

"Plans for our newest school cost \$130,000. Beyond this is the building of the school and the expenses of staffing and running it. If Rahenkamp Sachs & Wells save us the building of one school, we will be repaid many times over."

His argument finally prevailed, the town voted the money and work began.

"It's an expensive town; no question about that" —Donald Walker, Realtor

For years one man was responsible for the exclusive character of Duxbury: real estate broker Percy Walker. (His sons Donald and Charles are still carrying on his business today.)

"He was the kind of fellow who wouldn't rent or sell you a house unless you belonged in Duxbury," recalls Atherton Loring, who headed the planning board for many years.

Walker was responsible for establishing the water district and the planning board. He also tried to institute zoning as far back as 1926 but was voted down unanimously.

Zoning finally came to Duxbury in 1944 when a reluctant majority decreed that the minimum lot size for a single-family house should be 20,000 sq. ft. with 100 ft. of frontage. In 1952 this was increased to 30,000 sq. ft. with 150 ft. of frontage, and in 1954 to 40,000 sq. ft. with 200 ft. of frontage.

In recent years, with land costing anywhere from \$8,000 to \$20,000 an acre, the only houses that were built in Duxbury were four- and five-bedroom houses that could be sold for at least \$50,000. And naturally these houses appealed to families with children.

Between 1960 and 1970 Duxbury's school population rose from 1,655 to 2,985. Assessments on homes were pushed up to the 100% mark, so in effect taxes were rising at a rate of 15% a year.

The high taxes were particularly hard on older people. For example, the following letter from a soon-to-be ex-resident appeared in the local newspaper, *The Duxbury Clipper*:

"A growing number of people in the 60-plus age bracket (and I am one of these) who will soon be living on retirement incomes can no longer afford to live in communities like Duxbury. Soaring taxes are forcing us to do what we never intended to do, for when we built in Duxbury twelve years ago we intended to spend our retirement years here."

The Conservation Commission had an answer to the problem: Slow growth by buying land for open space.

"It is cheaper to borrow money and conserve land than to allow it to be developed," the Commission wrote. Backing up this statement were projected costs and revenues to the town from one block of 69 houses built between 1967 and 1968, showing that the 1969 deficit of \$7,725 could grow to \$84,677 by 1974.

So Duxbury set about acquiring its own land. Over the last three years it has spent nearly \$1.5 million to set aside 1,200 acres.

Conservation was not a new issue to Duxbury. As far back as 1960 the town had adopted a bylaw saying that no one could build in a wetland or marsh without a special permit from the board of appeals. The community's right to protect its wetlands was later upheld in a series of court cases. But the courts made it clear the board of appeals had to base its decisions on scientific evidence that the welfare and safety of the community were at stake. If the intention was merely to keep the town open and unspoiled, the courts said, that would constitute depriving a person of all practical use of his land without compensation and would thus be illegal.

As a result of these court decisions, the Conservation Commission decided to map Duxbury's wetlands. This mammoth effort soon became a community project, and the interest it stimulated helped launch the land-use committee.

The effect of the high taxes on Duxbury's older population might have been less drastic if there had been some apartments for them to move to. But Duxbury has only two apartment buildings: An old mansion on its main street has been converted into six units populated almost entirely by widows, and a 32-unit garden apartment was built on Route 53 on the site—and with the zoning variance—of a former motel.

Proposals to build apartments came before the town meeting on several occasions, but Duxbury residents turned them down. They cited the example of the neighboring town of Marshfield, where apartment buildings sprawled all over the landscape once the zoning was changed.

Duxbury residents also turned down pro-

posals for cluster zoning which resulted from an updating in 1968 of their comprehensive plan. They did, however, establish a housing authority to build housing for the elderly under a state subsidy program; nothing has been built yet.

"An enlightened developer can do an excellent job if he takes full advantage of all the information we can supply him."

**—Jeremiah Browne,
planning board chief**

Partner Roger Wells headed the Duxbury project for the Rahenkamp firm. He traveled to Duxbury regularly, consulted with the land-use committee and with local officials. Then, with material gathered from local, state and federal sources and at times specially commissioned, he mapped and fed into the computer information on the town's natural and man-made systems.

These maps, in full color and all drawn to the same scale, have been mounted in Duxbury's planning board office for anyone to consult. Nine chart the town's natural systems, including its physiography and climate, wetlands, slopes, vegetation and other cover, hydrologic soil groups, subsurface geology and hydrology, on-site sewage restrictions and a visual analysis. Two others—the public water system and the existing land-use and historic sites maps—show the town's man-made systems. Finally, a composite of the conditions described by the various maps appears on a comprehensive restraint map and an improved zoning map.

Wells also evaluated Duxbury in relation to the pressures generated by housing demand in the Boston metropolitan area. The town's share of housing demand was calculated, taking into account six factors that affect the amount of housing any town can reasonably absorb: natural capacity of the land, present population density, highway access, employment concentration, housing stock and revenue effort. These calculations showed a projected demand of 9,282 units between 1970 and 1990, or an average of 462 units a year.

The next step was to draw up a master plan statement, in effect a policy statement on Duxbury's future development.

The master plan statement recommended that Duxbury continue as a predominantly residential community, both because this was the desire of the town's residents and because the town offers no particular advantages for commerce or industry.

It recommended that Duxbury's low-density single-family zoning be continued but that a variety of housing types be encouraged. Its chief recommendations were that houses be clustered to create common open space and to save money on the installation and maintenance of utility lines and roadways, and that planned developments, including both single- and multi-family units, be permitted.

Wells designated three areas that would be suitable for such planned development: area I with densities of one to four units per acre; area II with up to six units; and area III with

up to eight units. Areas II and III would also allow certain business and light industrial uses.

As a developer who wished to build a planned development would in effect be asking for an exception to Duxbury's traditional zoning, the town, under a process called negotiated landscape impact zoning, would be entitled to ask him for some concessions.

"This approach," says Wells, "is based on the assumption that both the town and the developer can benefit from alternatives to rigid prohibitions on land use."

What it boils down to is some good old-fashioned horse trading. The town allows the developer to build at higher densities, to cluster his units or to build multifamily housing; in return the developer agrees to take the town's ecology into account, to mix his housing types in a way that would have a favorable impact on the school budget and to set aside permanent open space.

It took Wells 10 months to collect the data, develop his ideas, do the studies for the master plan, draft the master plan and design the

zoning map. And that was the easy part. "Our contract said we were to recommend a format, or what we call a model, which Duxbury was then to work on and make into a bylaw," Wells recalls. "But it became clear that if we went into the town meeting with a recommendation that they take another year to write a bylaw, it was going to be all over. So everyone decided 'we'll write a bylaw'."

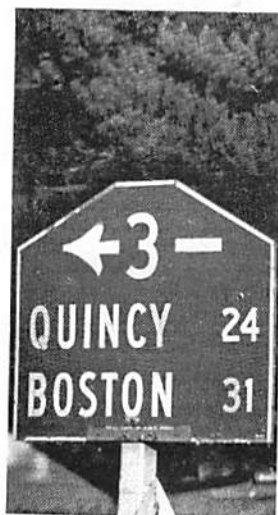
This was in December. The town meeting was three months away.

"People worry so much about density that they forget about quality . . . I'd rather see less emphasis on density and more on quality"

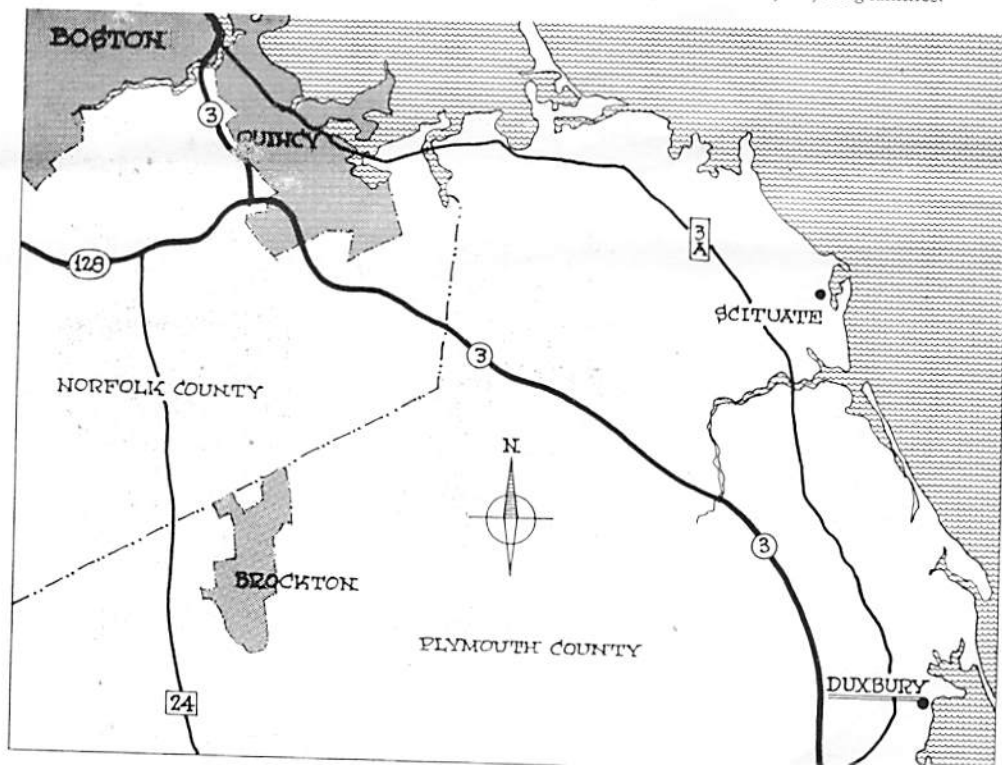
—Francis Barton, land-use committee

The new bylaw incorporates the principles of Well's master plan, tempered by two important factors: the will of the people of Duxbury and the law of the Commonwealth of Massachusetts.

Some of the changes were suggested by the land-use committee; others were proposed on the floor of the town meeting; still others



New link to Boston, Route 3 cut commuting time to under an hour and opened Duxbury to young families.



ere made by the Massachusetts state general's office, which had to approve the bylaw before it could take effect.

In essence, Duxbury retained its old one-acre zoning, so a landowner could still do anything with his property that he could have done before the new bylaw.

In addition, the bylaw set up the machinery for making exceptions to the old zoning on a rational basis. These exceptions permitted cluster housing and planned development under specified conditions. And as a concession to Massachusetts law, which does not permit floating zones, the areas where such development would be permitted were clearly marked on a zoning map.

Because of pressures from the town, the densities suggested in the master plan were reduced to one to two-and-one-half units per acre in area I, one to four units per acre in area II, one to six units per acre in area III.

"We wanted to be sure we didn't go too far," says Edmund Dondero. "If it's going to be unworkable, at least it's going to be unworkable in the town's favor rather than a developer's."

different housing types in planned developments, with no one type to exceed 60% of the total and none to be less than 5%.

"The land-use committee was worried about assuring a balanced mix and these proportions were the result," says Wells. "I would have preferred to leave the mix open, because a guy with 20 units shouldn't have to have three different unit types. That's a pain in the neck. But on the other hand, if it were left open, someone could come in and justify a 500-unit townhouse project, which would not be good for the community."

The biggest change to Wells' plan was an amendment made at the town meeting that "no dwelling unit in a multi-dwelling unit building shall be designed, constructed, or altered to have more than two bedrooms."

This amendment was proposed by Jeremiah Browne, planning board chairman.

"When we cut the allowable density we cut the appeal of this type of development from the developer's point of view," he explains. "In effect we forced him to try to get more out of each acre by building larger units

developer built six four-bedroom townhouses per acre we would have a substantial impact on our school population but not necessarily get an adequate tax base in return."

Wells is unhappy about including a bedroom limitation in the bylaw.

"It's counter to the whole philosophy of what we are trying to do. The idea is to leave as much open to negotiation as you can. I have no objection to someone building a ten-bedroom house. I just want him to be evaluated fairly as to his impact."

There's no change in prospect. Bedroom limitations have already been tested in the Massachusetts courts and found legal.

A few minor parts of the new bylaw were ruled illegal by the attorney general. He deleted the requirements on the developer's financial capability and on the fees paid the town at each stage of the application procedure.

Wells expected the financial measures would be deleted as there is no legal precedent for them. But he is disappointed that the fee structure was removed from the bylaw, which can only be amended at the annual town meeting, and inserted in the rules and regulations, which can be changed after any public hearing.

The original draft of the bylaw included a section on community-supported public housing. It was dropped, however, because the land-use committee feared that discussion of this one point might obscure the real issue of the bylaw itself.

"They have the chapter and they can insert it when they feel ready," says Wells. "I think it would be very good if the community acquired land and held it for low-income housing. They could do the studies themselves, rezone the land and then grease the works for someone to build the houses."

Perhaps the thorniest problem in drafting the bylaw was to find a way around the Massachusetts law that requires a town to act on a developer's application within 60 days. That isn't enough time for the developer to submit, and for the town to evaluate, all the information required under impact zoning.

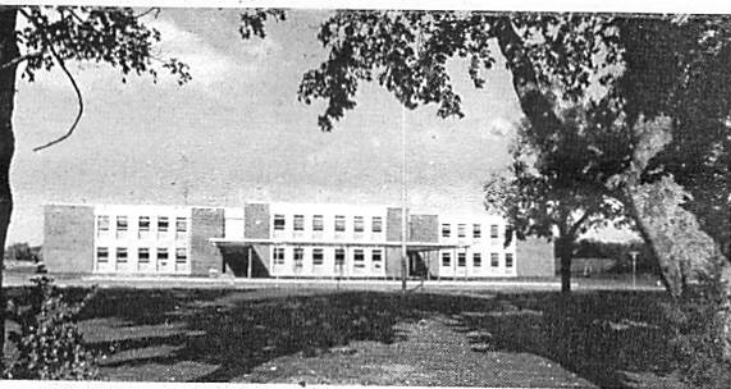
For example, the developer's site analysis must include: a topographical map; a soils map based on data maintained by the town; a vegetation and special features map showing all woodlands, groups of trees, rock outcroppings, existing buildings, roads, streams, drainage ways and ponds; a map of the neighborhood locating the site in relation to the surrounding community; and a sketch plan showing the general location, type and number of units proposed, common open space and ways.

Later he will have to provide more detailed maps on these features plus other maps showing roads, parking, utilities, open space community facilities, land coverage drainage and land use.

Finally, he must submit reports evaluating the land, population, economic impact, traffic impact, utilities impact, analyzing



John Alden's house is one of many historic homes, some of them still inhabited, scattered through the town.



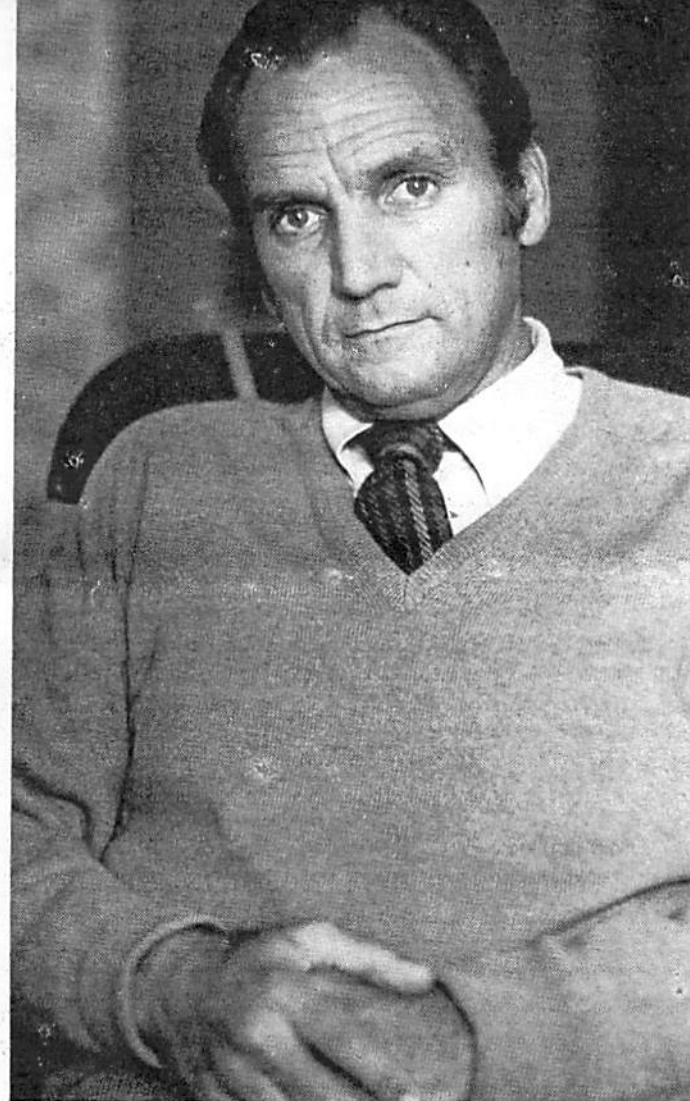
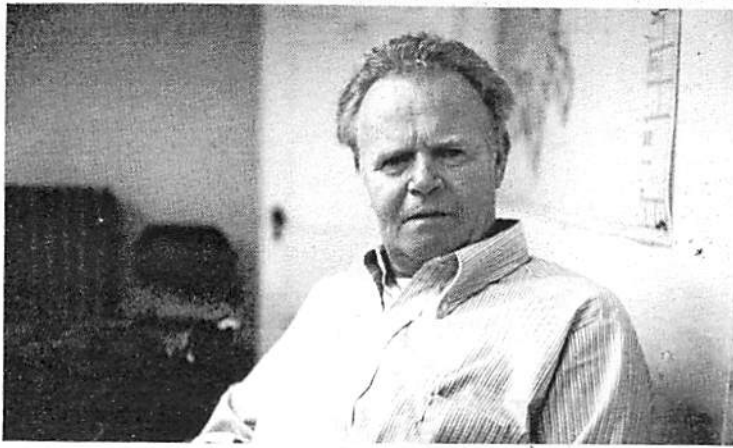
Quality schools like this make Duxbury particularly attractive to young families.



Old mansion on main street once housed a wealthy ship owner. Now it's one of the town's two apartment buildings.

Town Harbor has fishing pier and moorings for small boats.

8
PLANNING CHIEF JEREMIAH BROWNE
I think the bylaw will do more to keep Duxbury semi-rural than anything else we could possibly have done.



COMMITTEE CHIEF EDMUND DONNELLY
I think a lot of developers want to do a good job. I shouldn't look at these people as the enemy all the time.

COMMITTEEMAN
DONALD CONNORS
We don't know if the bylaw will achieve our goals, but at least we have something to work with.



COMMITTEE CHIEF FRANCIS PARK
There's no way to keep the town just the way it is now. We've got to make some compromises.



COMMITTEEWOMAN
POLLY HARRINGTON
The bylaw wasn't supposed to solve Duxbury's problems... just



OPPOSANT CHARLES L...
I think they're whistling in the dark when they think that they're going to slow down the school population.



common open space and detailing his construction schedule.

Then the planning board must review this information with the assistance of the various town agencies and committees and prepare a written report for the board of appeals, which administers the bylaw.

Obviously 60 days is an unrealistic period in which to accomplish all of this.

To solve the problem, Wells finally settled on a voluntary pre-application stage, during which the developer would submit the required material without making formal application. Thus the town can get reviews from its various agencies before the 60-day clock starts ticking.

"The great advantage of the town meeting is that everybody confronts all of the issues very fast . . . You get a cleaner and better mandate than you could get any other way"

—John Rahenkamp, planner

The first draft of the bylaw was received with unanimous dismay. Even the staunchest supporters of the concept were tempted to postpone bringing the bylaw before the town meeting because they felt it was unworkable. The haste with which it had been prepared was evident; in addition, it failed to take Massachusetts law into account.

"I was very much opposed to it as a lawyer," Donald Connors recalls. "But then I figured we'd committed two years of an extraordinary amount of effort and invested over \$85,000. So I finally said to myself, 'The hell with it. Let's straighten it out as best we can and let's go.'"

Wells admits:

"It was quite an undertaking to try to combine zoning and the standards by which subdivisions are judged into one comprehensive code in just three months."

The reason for the urgency was that zoning changes can be made only at Duxbury's annual town meeting. And the land-use committee knew that they could not maintain their momentum for another year. It was now or never.

So the refining and redrafting of the bylaw began. At the same time teams from the land-use committee went out to explain the bylaw to church groups, the senior citizens, the men's club, the Rotary and Kiwanis clubs, and anyone else who would listen.

"We sold the land-use program the same way we sold conservation: neighborhood by neighborhood," committee member Polly Harrington recalls. "We had a list of the registered voters in town that showed whether or not they voted and went to town meetings. Then through our personal knowledge we found the ones in the various areas who would be good at running neighborhood discussion groups."

The weekly *Duxbury Clipper* came out firmly in favor of the new bylaw. It reminded its readers:

"America is justifiably proud of its Constitution. But this document as drawn up by our founding fathers was not perfect. Had it

been, there would have been no need for the 22 ensuing amendments. The proposed . . . [bylaw] is not perfect either. It has loopholes that need to be corrected. . . . Make your amendments, but don't throw out the baby with the bath water."

The town meeting convened on a Saturday, but the new bylaw did not come up until Monday night. The vote finally came Thursday night. In between were eleven hours of debate. It was touch and go all the way.

Howard Publicover, chairman of the board of assessors, told voters that one-acre zoning by itself would put the town on the track to bankruptcy.

John Taft, a member of the land use committee, urged postponing action to allow more time for Rahenkamp and the committee to refine the bylaw and for the town to study and debate it.

"We do not yet understand the compromises implicit in this program," he said. "The small independent builder and the fellow with a home on one acre may very well be on the wrong side of the compromises."

One opponent, Robert Mastrovita, who later admitted he had just read David Halberstam's book on the key men behind the Vietnam war, *The Best and the Brightest*, compared Messrs. Rahenkamp, Sachs and Wells to Robert McNamara, McGeorge Bundy and W. W. Rostow. "Too often theoretical concepts turn out to be wrong when they are put into practice," he warned.

Amendments were offered. One would have required developers to give the town funds for perpetual care of the open space. It was defeated 351 to 95.

The two-bedroom amendment (*see above*) passed 270 to 177.

One important amendment increased the board of appeals from three to five members and stipulated that one of the five be an attorney.

For the first time in anyone's memory, a town meeting debate was tinged with acrimony. There were inferences that some people were on the take. There was also a feeling that the east—or older part of Duxbury—was putting something over on the west—or newer part.

Delaying tactics, such as calling for a show of hands on all votes, were used so that the vote would come after the older voters, who favored the bylaw, would have gotten tired and gone home.

Under Duxbury's town meeting it takes only one dissenting vote to keep a nonvoter from speaking at the town meeting; this device was used against John Rahenkamp. The moderator called a recess so that all who wished could hear Rahenkamp, but when the meeting reconvened Donald Connors had to field the questions.

It was Edmund Dondero, former chairman of the powerful finance committee and a member of both the planning board and the land-use committee, who made the speech that everyone remembers.

"Duxbury is no longer the best-kept secret on the South Shore," he said. "The bylaw is giving the town an overall land-use program

PROPOSER ATHERTON LORING

Higher assessments were making people unload their land. We could have been flooded with new homes.



OPPONENT EDWARD SOULE
We'd end up with fewer people if we'd stuck to one-acre zoning.

and is not trying to take away anyone's rights. Give the planning board the tools it needs."

The final vote was 574 to 214—49 more than the two-thirds necessary.

"There's going to be trouble . . . There always is with change . . . But with a little luck and some amendments the new zoning should work"

—Atherton Loring,
ex-planning board chief

"People move to Duxbury because they like it and then they try to change it to make it just like the place they came from"

Edward Soule, farmer

There were Loring and Soules in Duxbury as far back as the 17th century, and obviously the ones who live there today love the town and want to preserve it. Atherton Loring welcomes the new bylaw; Edward Soule does not. Their views are typical of how different segments of the town see the change.

Loring, a retired telephone company executive, served as head of Duxbury's planning board for many years. Soule, a retired Ford dealer, has gone back to farming. He recently spurned developers' offers for his land and deeded it to a boys' camp so that he could be sure it would remain as open space.

Loring was concerned that the higher assessments—the town recently went to 100% valuation—would force people who owned large tracts to sell them to developers so that single-family houses would spring up at an ever increasing pace.

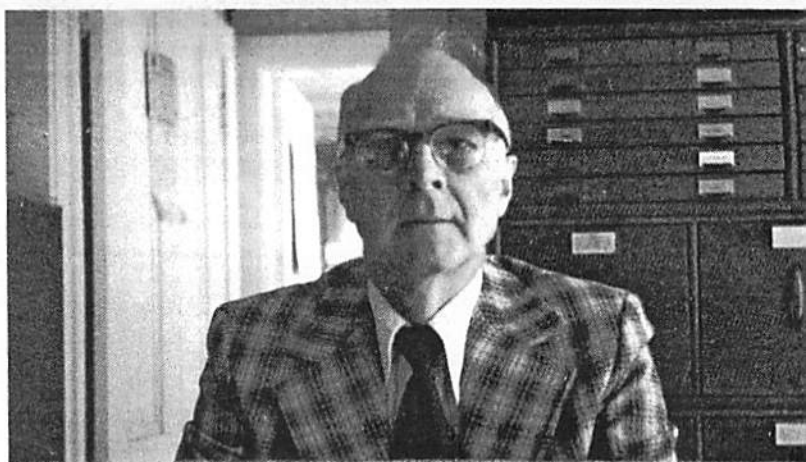
Soule is concerned that the new bylaw will allow higher densities. He does not like the idea that wetlands and cranberry bogs, which were out of circulation under the old ordinance, can now be counted in a developer's total acreage to give him a higher density on the upland portion of his tract.

Much of the argument over the new bylaw was based on growth versus no-growth. Even the people who worked the hardest to develop the new bylaw and to get it passed would have preferred no-growth. But they acted from the conviction that growth would come whether they liked it or not, and the best they could hope to do was to direct it on Duxbury's terms.

This was recognized by some of the more vocal opponents, such as Charles Davis, retired chairman of Stone & Webster Engineering, and Robert Mastrovita, research director of an investment firm. Their disagreement was more with the method chosen to control growth.

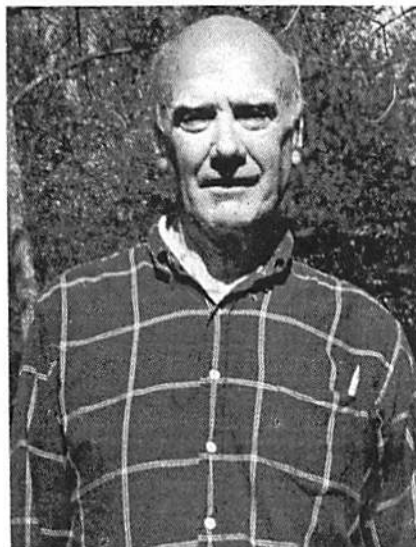
Both doubted that the new bylaw would solve the tax problems, both favored experimenting on a smaller scale rather than with the whole town and both are apprehensive about how far the negotiating process might be pushed in the future.

"As I see it, just the pressure of attrition will constantly downgrade our regulations," says Davis. "For example, here comes developer A with something pretty darn good, so the planning board leans over backward for him. The next guy, developer B, is a head-



REALTOR DONALD WALKER

It's natural to think back to the good old days, but we have to change. We can only hope to drag it out a bit.



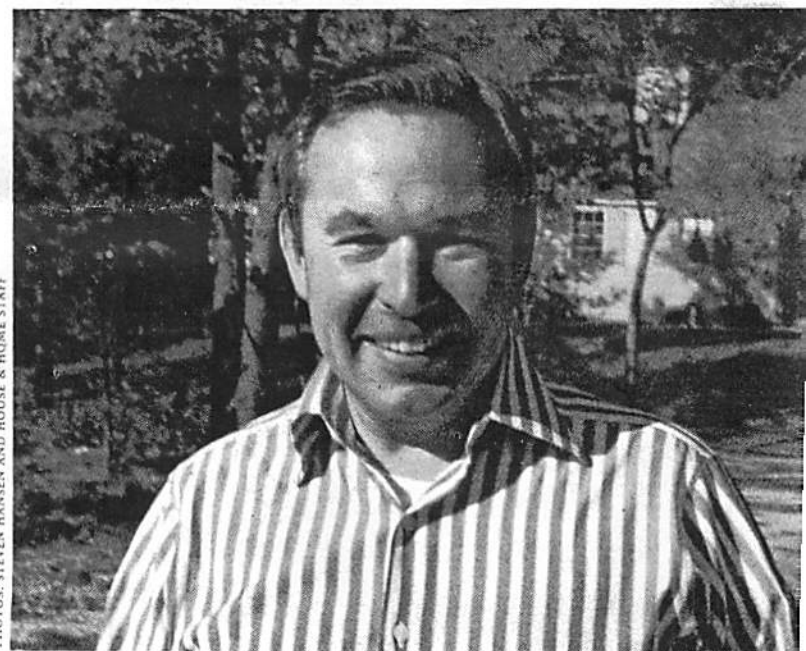
COMMITTEEMAN FRANCIS BARTON

This plan makes it possible for us to preserve the character of the town.



OPPONENT ROBERT MASTROVITA

I accept what's happened and hope for the best, but I have some real doubts about the value of what we've done.



DEVELOPER EDWARD KEATING

It's not a program a small builder can participate in easily. Preliminary expenses could go to \$100,000.



JUDGE JOSEPH COLLINS

It should be laws that govern, not men. I don't like giving too much discretionary power to town boards.



Newspaper editors John and Roberta Cutler gave the new bylaw a big push with articles and editorials in the weekly *Duxbury Clipper*. "Without them we wouldn't have had a snowball's chance of success," says John Rahenkamp.

PLANNER ROGER WELLS
It wasn't just a handful of people who decided the bylaw was good for Duxbury. The whole town decided.



But if they don't go as far with him they're hauled into court immediately."

Wells disagrees:

"If the conditions were identical, then I guess developer B could sue," he says. "But the likelihood of conditions being identical are very remote. For one thing, developer B will apply at least one second later than developer A, and that means developer A will already have changed the situation."

Judge Joseph Collins, who recently retired from the State Supreme Court, is concerned about the negotiating process from a different point of view:

"Although the general idea of planned development may be all right, the bylaw may have the basic effect that we're approaching a rule of men rather than of laws."

The planners don't see it that way. Daniel Orwig of Guidelines, who recently submitted preliminary plans for a 50-acre planned development, says:

"Everyone will be tracking through in the same way and will know exactly where he is and what he has to do. There can be no political influence at the planning board."

George Matarazzo, president of Hanslin Planning Associates, which is doing the planning for a large Duxbury tract known as North Hills, agrees:

"It's a relief for me to be able to walk into a town and know that we'll all be talking the same language. It's a tremendous plus to have some guidelines to work with. And a lot of our homework has been done for us by a great planning outfit."

It's too early to answer the big question of whether the new bylaw will protect open space and slow the school population rise.

Even with its requirement that 25% of any planned development be in open space, the bylaw may not have as great effect in keeping Duxbury's land from being cut up as many had hoped. For one thing, there are very few tracts left that are large enough for major planned developments. Most future building will be on sites 50 acres or less, and it will be done by smaller developers. There is the

danger that they may elect to continue building single-family houses on one-acre plots rather than go through the unfamiliar and complicated planning process required for planned development.

Edward Keating, who builds some \$700,000 worth of houses annually and who was the only builder-developer on the land-use committee, was in favor of the new bylaw but admits he doesn't know how it's going to affect him.

"It's not a program that a small builder can participate in very easily," he says. "Preliminary expenses could easily run to \$100,000. I couldn't afford to do it on my own."

Wells thinks that the advantages to the smaller builder outweigh the disadvantages, and he has proposed that the planning board fund the cost of a design for a small project to prove this to the builder.

The new bylaw is unlikely to have an effect on Duxbury's schools in the immediate future according to Dr. Lawrence Anderson, superintendent of schools. Based on his projections—which were only 15 off the mark for 1973—Duxbury will need additions to the high school and intermediate school by around 1975, a new elementary school by 1976 and a new intermediate school by around 1980, when the school population will top 5,000.

A major selling point that convinced many people to vote for the new bylaw was that it would encourage the building of condominiums attractive to empty-nesters.

No one knows how much of a market Duxbury has for this type of housing, however. And even if many of Duxbury's older couples do move into such condominiums—many have already indicated that they will—it would mean that their large older homes would come on the market. The logical buyers, of course, would be young couples with children.

Wells believes the new bylaw can have a positive effect on Duxbury's tax problems, but he does not believe it is the whole answer.

"The town has to make some decisions about taxes," he says. "I don't think we've ever come across a community that has such a high level of service and therefore such a high cost per capita. But if everything were to stay equal, and if inflation were held constant, bringing in more people with fewer children would definitely have a positive effect on Duxbury's tax spiral."

It will be some time before the returns are in. The bylaw did not take effect until mid-October, and the first projects are coming before the planning board right now.

Roger Wells, who has been appointed Duxbury's town planner, has just reviewed the first application.

"I already have a whole series of recommendations on how to make the bylaw better administratively," he says.

And the people of Duxbury, those who were for the bylaw and those who were against it, agree on one thing: They want it to work.

"... After all," says Mastrovita, "I don't plan on moving..." —NATALIE GERARDI